

Rivera, Ana

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From: Riffer, Jeffrey K.  
Sent: Tuesday, December 11, 2007 1:02 PM  
To: 'sbs@lskg-law.com'  
Cc: 'sedelstein@cohenandwolf.com'  
Subject: Jupiter/Shapiro/RipTide

Steve,

1. You are proceeding on an unnecessary assumption.

Shapiro wrongfully claimed title to music owned by others, thereby defrauding Jupiterimages. Shapiro should resolve the claims from the rightful owners of the music and obtain the appropriate releases and retroactive licenses for Jupiterimages and its customers.

Shapiro can enter into whatever settlement agreement it wishes with the rightful owners of the music. Jupiterimages and its customers should be made express third party beneficiaries of such agreement (in particular the releases and retroactive licenses) to preclude the rightful owners from suing Jupiterimages or its customers.

Once Jupiterimages and its customers are made express third party beneficiaries in the settlement agreement, there is no need for Jupiterimages to sign the settlement agreement.

Shapiro at all times could have resolved this dispute with Riptide on its own.

2. I have no idea what you mean in the second paragraph of your email to me stating that you "want the record to be clear to all concerned that the RipTide situation is a component of the CA litigation."

Your email does not make anything a "component" of the CA litigation.

3. You have a practice of unilaterally setting unreasonably short deadlines for us to respond to your emails. This accomplishes nothing. We respond promptly to all of your numerous emails.

4. Your numerous emails on the same topic increase the cost of litigation. At the appropriate time, we will ask the Court to award us our attorney fees for responding to your emails.

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Please resolve the Riptide dispute. You do not need anything from Jupiterimages to do that.

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EXHIBIT D